IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11314 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BANSILAL P SHAH SUPDT.ENGINEER

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 11314 of 1993

MR YN OZA for Petitioner No. 1

Mr. KT Dave, AGP for Respondent No. 1

MR LR PUJARI, AGP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 02/04/2004

ORAL JUDGEMENT

The petitioner had filed the present Special Civil Application under Article 227 of the Constitution of India for quashing and setting aside the chargesheet dated 20.9.1991 and also for an appropriate writ,

direction or order directing the respondents to reopen sealed cover in which recommendation of Departmental Promotion Committee was kept and has also prayed for to promote him to the post of Chief Engineer with all consequential benefits.

2. At the time of admission of the present Special Civil Application, an interim order came to be passed by this Court (Coram: Mr. S.M. Soni, J., as he then was) and the respondents were directed to consider the case of the petitioner for promotion and posting subject to approval of Gujarat State Public Service Commission as all other formalities are being over within a period of 3 weeks from 8th April 1994.

3. Today, when the matter is called out for final hearing, Shri K.T. Dave, learned AGP appearing for respondent No.1 places on record a copy of the order dated 8.4.1994 passed by the respondent No.1 promoting the petitioner to the post of Chief Engineer (Civil) and order dated 5th July 1994 by which the petitioner is also given the benefit of deemed date etc. The said orders are taken on record of this file. Therefore it is submitted on behalf of the respondents that nothing further requires to be done in the present Special Civil Application. On the other hand, Shri B.P. Gupta, for Shri YN Oza, learned advocate for the petitioner submits that he has no instruction from the petitioner as the petitioner was to retire in 1994. However, if copies of the orders are placed on record and the petitioner has been given the benefits appropriate order be passed.

4. Considering the aforesaid orders dated 8.4.1994 and 5th July 1994, now nothing further requires to be done in the present Special Civil Application as the grievances do not survive. Accordingly, the Special Civil Application is disposed of. Rule is discharged with no order as to costs.

rmr. [M.R. Shah, J.]